

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MIGUEL ANGEL BELALCAZAR-LUCUMI,**

**Petitioner,**

**vs.**

**No. CV 10-274 JB/WDS**

**RAY TERRY, Otero County Processing Center**

**Respondent.**

**ORDER**

**THIS MATTER** comes before the Court on Petitioner's Motion for Expedited Disposition of Petition for a Writ of Habeas Corpus filed May 5, 2010 [Doc. 10] and Respondent's Response in Opposition to Petitioner's Motion for Expedited Disposition filed May 6, 2010 [Doc. 11]; and further on Petitioner's inquiry regarding the name of counsel representing him filed October 12, 2010, which this Court will construe as a Motion for Appointment of Counsel [Doc. 15]. No response has been filed.

Having considered Petitioner's Motion for Expedited Disposition and Respondent's Response, this Court finds that it will be denied as moot as this Court's Proposed Findings and Recommended Disposition in this case was entered on October 20, 2010. [Doc. No. 16].

Having considered Petitioner's Motion for Appointment of Counsel, this Court finds that it is not well taken and it will be denied. A court may appoint counsel in habeas matters, including under 28 U.S.C. §2241, if the interests of justice so require. *See Snyder v. Ortiz*, 236 Fed. Appx. 465, 467, 2007 WL 1678009 (10<sup>th</sup> Cir. June 12, 2007) (unpublished) (*citing* 18 U.S.C. §3006A(a)(2)(B)). Appointment of counsel in habeas proceedings is left to the court's discretion. *Swazo v. Wyoming*

*Department of Corrections State Penitentiary Warden*, 23 F.3d 332, 333 (10<sup>th</sup> Cir. 1994). Because a final order of removal is in place in this case and because the six-month presumptively reasonable time to detain an alien while attempting to remove the alien from the United States has not yet expired, *see Zadvydas v. Davis*, 553 U.S. 678, 701 (2001), this Court sees no reason to appoint counsel at this time.

**IT IS ORDERED** that Petitioner's Motion for Expedited Disposition of Petition for a Writ of Habeas Corpus filed May 5, 2010 [Doc. 10] is hereby denied.

**IT IS FURTHER ORDERED** that Petitioner's Motion for Appointment of Counsel filed October 12, 2010 [Doc. 15] is hereby denied.



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**W. DANIEL SCHNEIDER**  
**United States Magistrate Judge**